

### REMARKS

This is in response to the Final Office Action mailed on February 20, 2008. Claims 1, 10, 11, and 25-29 were pending and were rejected. In light of the arguments and comments below, reconsideration and allowance of the present application are respectfully requested.

#### **Claim Rejections – 35 U.S.C. §103**

(1) 35 U.S.C. § 103 under Bergh, Sumita, and King

In the Office Action, the Examiner rejected claims 1, 10, 11, 25-29 under 35 U.S.C. §103(a) as being unpatentable over Bergh (U.S. Patent No. 6,112,186) in view of Sumita (U.S. Patent No. 5,907,836) in view of King (U.S. Patent No. 6,452,614). Applicants respectfully disagree with the Examiner's assessment of the cited references for at least the foregoing reasons.

(A) Dual Rejections Under 35 U.S.C. § 103

As an initial matter, Applicants note that the Office Action rejects the current pending claims under both (a) Bergh, Sumita, and King *and* (b) Bergh, Sumita, King, Arellano or Rose. Accordingly, Applicants respectfully request clarification whether it is the Office's position that each and every claim limitation is rendered obvious by Bergh, Sumita, and King. If so, Applicants respectfully inquire about the relevance of the latter 35 U.S.C. § 103 rejection. If not, and it is the Office's position that either the Arellano or Rose reference is necessary to establish a proper *prima facie* case of obviousness, Applicants respectfully request that the former 35 U.S.C. § 103 rejection be withdrawn.

Applicants note that MPEP § 707.07(g) provides: "The examiner ordinarily should reject each claim on all valid grounds available, avoiding, however, undue multiplication of references." (emphasis added). *See also*, MPEP § 904.03 ("In selecting the references to be cited, the examiner should carefully compare the references with one another and with the applicant's disclosure to avoid the citation of an unnecessary number. The examiner is not called upon to cite all references that may be available, but only the 'best.'...The best reference should always be the one used.").

(B) Clarification Regarding Applicant's Arguments

Additionally, Applicants seek to clarify a supposition made in the rejection regarding Applicants previous comments. Specifically, the Office Action provides:

On page 9 of the Applicant's Remarks dated 1/23/06, Applicant states, "Bergh teaches that multiple user profiles can be created with the disclosed system based on user inputs". Hence, Applicant agrees that Bergh discloses the features of wherein the requesting user's profile is selected from a plurality of the requesting user's profiles, wherein each of the requesting user's profiles corresponds with a unique user persona including unique personal user information (Bergh, col 3, lines 25-31).

Office Action dated February 20, 2008, p. 11. (Emphasis Added)

First, this conclusion is a non sequitur. Applicants merely acknowledged that which the Bergh reference explicitly states, namely that "One profile may be created for each user or multiple profiles may be created for a user...[and] Each user profile associates items with the ratings given to those items by the user." Bergh, Col 3, lines 25-27, 48-49. However, it does not follow, nor do Applicants agree, that Bergh discloses that each profile corresponds with a unique persona.

Second, the phrase "wherein each of the requesting user's profiles corresponds with a unique user persona including unique personal user information", is confusing to Applicants because it is unclear to which limitation of the claims this phrase refers. Clarification is kindly requested.

(C) "Each user Profile Comprises At Least One Unique Persona"

More generally, Applicants note that the Office Action dated February 20, 2008 continues to refer to the limitation of "wherein each user profile comprising at least one unique persona." See p. 11 ("each of the requesting user's profiles corresponds with a unique user persona"), p. 16 ("each user profile comprises at least one unique persona").

The limitation "wherein each user profile comprises at least one unique persona having a set of personal information data" was added in the Amendment and Response to Office Action dated April 19, 2007. However, the phrase "at least one unique persona having" was promptly removed in the next Amendment and Response to Final Office Action dated August 7, 2007. The limitation that each profile comprises "at least one unique persona" was not recited in the

following response, and it is unclear that the Office ever noted or reflected the removal of this phrase. Again, clarification of the Office's position is kindly requested.

(D) Record-Profile-Persona Relationship

More important is that which actually is claimed with respect to record-profile-persona relationship of the present invention. Specifically, the current claims recite:

- 1) a plurality of user records corresponding to a plurality of users...
- 2) each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles...
- 3) each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas...

This explicitly claimed structure and hierarchy is clearly not taught or suggested by the prior art, and it is not evident from the Office Action how or where these limitations are purportedly shown by Bergh, Sumita, and King. Moreover, the Office Action acknowledges that "Bergh does not explicitly disclose that a single user has different personas." Office Action dated February 20, 2008, p. 21.

For example, as already described, referrals in the Office Action about each profile comprising "at least one unique persona" are clearly not germane because that is not a limitation recited by the pending claims.

As to the three enumerated limitations relating to the record-profile-persona relationship of the present invention identified above, the Office Action asserts that "the combination of the prior art renders [them] obvious." Office Action dated February 20, 2008, p. 17. Among other assertions, the rejection states:

[I]n Bergh, note that there is a single user account. Then, that user account can have different profiles defined for that user account. And, there can be multiple domains which can each have profile information associated with that domain. Hence, Bergh discloses a user who has different domains and where each domain has profile information associated with that particular

domain. And, Bergh discloses that a single user has multiple profiles associated with that user based on different use proclivities.

Office Action dated February 20, 2008, pp. 17-18. Applicants respectfully assert that nothing in this explanation, nor the art of record, teaches or suggested the claimed record-profile-persona relationship (i.e., (1) each user-record is associated with a plurality of user personas; (b) each user persona is associated with a plurality of user profiles; and (c) each of the user profiles is grouped into the user personas such that at least one user profile is grouped in at least two user personas).

At most, Bergh merely discusses that “multiple profiles may be created for a user to represent that user over multiple domains [or] Alternatively, a user may be represented in one domain by multiple profiles.” Col. 3, lines 25-31. However, this only indicates that a user may have multiple profiles to represent that user over one or multiple domains.

In contrast, the claims require each user-record be associated with a plurality of user personas and that each user persona be associated with a plurality of profiles. Nothing in Bergh describes this claimed correlation of the three structures relating to the user: user records, user profiles, user personas. The only one element relating to a user in Bergh is the “profile.”<sup>1</sup> Indeed, the three claimed structures – user records, user profiles, user personas – as claimed and described, specifically relate to a particular user by their plain meaning. Therefore, it is quite clear that the Bergh reference does not teach or suggest the claimed correlation between these three structures.<sup>2</sup>

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<sup>1</sup> Applicants note Examiner’s assertion that “in Bergh, note that there is a single user account. Then, that user account can have different profiles defined for that user account.” However, Applicants respectfully draw Examiner’s attention to the fact that Bergh actually makes no reference to a “user account” whatsoever.

<sup>2</sup> Applicants further note that the rejection mentions, in several locations, Bergh’s “domains” and the relationship between domains and profiles. However, a thorough reading of the Bergh reference reveals that, unlike the three claimed structures of the present invention, the “domains” in Bergh are not at all specific to or related to a particular user. Rather, “domains” are merely classifications that potentially apply to *all* users in the system of Bergh. See, Col. 3, lines 17-24 (“As referred to in this description, items to be recommended can be items of any type that a user may sample in a domain. When reference is made to a ‘domain,’ it is intended to refer to any category or subcategory of ratable items, such as sound recordings, movies, restaurants, vacation destinations, novels, or World Wide Web pages.”)

The rejection goes on to assert that the King reference provides additional relevant teachings germane to the subject limitation. Page 18 (“...King further discloses different personas for a user where each persona has different restrictions and capabilities...”).. Applicants agree that King discusses “personas”, but the term as described in King merely indicates a specific mode and it does nothing to teach or suggest the “user personas” claimed in the present invention. Specifically, the King reference merely describes “personas” as follows:

A persona is a PMCS [personal multimedia communications system] mode. The PMCS mode defines the current mode of operation of the PMCS. The selected persona depends upon the particular role the user has taken on.

Nowhere does the King reference, even in combination with the other art of record, teach or suggest the claimed “user persona” that “is associated with a plurality of user profiles” and “wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas.” Indeed, the King reference’s provision of a “persona” is much more akin to a standard operation mode or profile; simply because the King reference employs the term “persona” does not cause its usage in the reference to teach or suggest the claimed term “user persona” and its configuration in the present claimed invention. Thus, even in combination with the other references, King clearly fails to teach or suggest the claimed limitations relating to the record-profile-persona relationship of the present invention.

For at least the foregoing reasons, Applicants respectfully assert that a *prima facie* case of obviousness has not been established and request that the § 103 rejection be withdrawn.

(2) 35 U.S.C. § 103 under Bergh, Sumita, King, and Arellano or Rose

In the Office Action, the Examiner rejected claims 1, 10, 11, 25-29 under 35 U.S.C. §103(a) as being unpatentable over Bergh in view of Sumita in view of King in view of Arellano (U.S. Patent Publication No. 2004/0128624) or Rose (U.S. Patent No. 6,202,058). Applicants respectfully disagree with the Examiner’s assessment of the cited references.

This latter 35 U.S.C. § 103 rejection starts by acknowledging that “Bergh does not explicitly disclose that a single user has different personas.” P. 21. The rejection then goes on

by attempting to compensate, asserting, “Arellano discloses a user model with different personas for the same user” and “Rose...discloses different personas for a user with profile information associated with each persona...”

Arellano describes multiple personas, such as a “home” persona and a “work” persona. Fig. 13. However neither Arellano nor the combination of cited references discloses the claimed record-profile-persona relationship as described above. Indeed, Arellano merely notes “Persona relate to a role rather than an application’s specific profile.” Para. [0091]. In stark contrast, the claimed invention recites a “user persona” that “is associated with a plurality of user profiles” and “wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas.”

As to the Rose reference, the rejection asserts, “Rose (6,202,058) discloses different personas for a user with profile information associated with each persona...” Applicants respectfully disagree with the interpretation of the Rose reference. As an initial matter, nowhere does the Rose reference even mention the term “persona,” much less disclose “different personas for a user with profile information associated with each persona.” At Col. 6, lines 35-60, the Rose reference discusses user profiles and “vectors.” However, the reference merely describes a one-to-one relationship (“Each user profile also comprises a vector...”), and nowhere does it teach or suggest the claimed record-profile-persona relationship as described above.

For these additional reasons, Applicants respectfully assert that a *prima facie* case of obviousness has not been established and request that the § 103 rejection be withdrawn.

### CONCLUSION

For at least the reasons above, Applicants respectfully request removal of the rejections and for favorable action and allowance of the application. If the Examiner believes that a telephone conference would be of value in expediting the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7237.

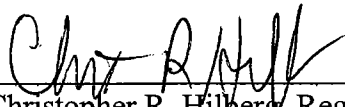
Should any additional fees be necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference 60021-302901).

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Respectfully submitted,

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